

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Revenue (Proh. & Excise-Vig.V) Department – Allegation of corruption against Sri Ch. Sreeramulu, formerly Proh. & Excise Inspector, Ponduru (Retd. on 30.6.2007) – Trapped on 18.11.2003 – Placed under suspension and retired from service – Charge sheeted – Acquitted by the Hon'ble ACB Court, Visakhapatnam – Criminal Appeal filed before the Hon'ble High Court of Andhra Pradesh – Criminal Appeal Pending – Suspension period regularized – Orders – Issued.

REVENUE (VIG.V) DEPARTMENT

G.O. (Rt.) No. 846 .

Dt.15.7.2011.

Read the following:-

- 1) DC P&E, Visakhapatnam Proceedings Rc.No.908/2003/A1, dt.19.11.2003.
- 2) G.O. Ms. Nos.803, 804 & 805, Revenue (Vig.V) Department, dt.13.10.2004.
- 3) Govt. Memo No.48330/Vig.V(2)/2003-16, dt.26.10.2006.
- 4) Hon'ble Spl. Judge for ACB Cases, Visakhapatnam judgment dt.30.09.2009 in CC No.1/2005.
- 5) G.O. Rt. No.234, Revenue (Vig.V) Department, dt.22.02.2011.
- 6) Sri Ch. Sreeramulu, P&E Inspector (Retd.), Application dt.06.06.2011.

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ORDER:

The ACB authorities have registered a criminal case against Sri M. Subhash Chandra Bose, formerly Proh. & Excise Superintendent, Srikakulam, Sri Ch. Sreeramulu, formerly Proh. & Excise Inspector, Ponduru and Sri S. Sreerama Murthy. Proh. & Excise Constable as they were allegedly involved in a case of moral turpitude i.e., demand and acceptance of bribe on 18.11.2003. In the reference 2nd read above, sanction was accorded to prosecute the Accused Officers in a Court of Law.

2) In the reference 1st read above, the Deputy Commissioner of Proh. & Excise, Visakhapatnam has kept Sri Ch. Sreeramulu, formerly Proh. & Excise Inspector, Ponduru (Retd. on 30.6.2007) under suspension.

3) And whereas in the reference 3rd read above, Government have revoked the suspension of Sri Ch. Sreeramulu, Proh. & Excise Inspector without prejudice to the criminal/disciplinary proceedings pending against him.

4) And whereas in the reference 4th read above, the Hon'ble Special Judge for ACB Cases, Visakhapatnam, pronounced judgment on 30.09.2009 in CC No.1 of 2005, holding that Sri M. Subhash Chandra Bose, Assistant Proh. & Excise Superintendent and others are not guilty of the charges and acquitted them. The Director General, Anti Corruption Bureau has filed a Criminal Appeal against the acquittal of the Accused Officers before the Hon'ble High Court of Andhra Pradesh and the same is pending.

5) Consequent to his acquittal by the ACB Court, Sri M. Subhash Chandra Bose, Assistant Proh. & Excise Superintendent (Retd.) has approached the Hon'ble A.P. Administrative Tribunal by filing O.A. No.5294 of 2010. The Hon'ble Tribunal in its orders, dt.11.8.2011, while disposing off the O.A., have directed the authorities concerned to release all pensionary benefits including DCRG and treat the suspension period of the applicant as "on duty". The Hon'ble Tribunal has also directed to fix the pay of the individual by applying the Revised Pay Scales and release the same with arrears to him. The Director General, Anti Corruption Bureau has

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filed a W.P. No.595 of 2010 against the above order of the Hon'ble Tribunal in the Hon'ble High Court. The Hon'ble High Court in its orders, dt.31.01.2011 in W.P. No.595 of 2010, while modifying the orders of the Hon'ble Tribunal, directed the petitioner (Government) to regularize the services of the respondent viz., Sri M. Subhash Chandra Bose, Assistant Proh. & Excise Superintendent (Retd.) for the period of suspension w.e.f. 20.3.2005 to 31.12.2005 and pass appropriate orders within a period of four weeks from the date of delivery of their judgment.

6) Accordingly, in the reference 5th read above, orders have been issued treating the suspension period of Sri M. Subhash Chandra Bose, formerly Assistant Proh. & Excise Superintendent, Srikakulam (who was kept under suspension by the Commissioner of Prohibition & Excise) from 20.03.2005 to till his retirement i.e., 31.12.2005 as "on duty" under FR 54.

7) And whereas in the reference 6th read above, Sri Ch. Sreeramulu, Proh. & Excise Inspector (Retd.) has requested for grant of similar benefits to the one extended to Sri M. Subhash Chandra Bose, Proh. & Excise Superintendent (Retd.), i.e., for treating his suspension period from 18.11.2003 to 14.12.2006 as 'on duty' under F.R. 54, as he is a similarly situated person and was acquitted by the Hon'ble ACB Court, Visakhapatnam.

8) Government, after careful examination of the matter have decided to regularize the suspension period of Sri Ch. Sreeramulu, Proh. & Excise Inspector (Retd.) for the period from 18.11.2003 to 14.12.2006 as **"on duty"** under FR 54.

9) Accordingly, Government hereby order to treat the period of suspension of Sri Ch. Sreeramulu, Proh. & Excise Inspector (Retd.) from 18.11.2003 to 14.12.2006 as **"on duty"**.

10) The Commissioner of Prohibition & Excise, A.P., Hyderabad shall take further necessary action in the matter accordingly for release of his pay and allowances for the said period after deducting the subsistence allowance already paid.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Ch. Sreeramulu, Proh. & Excise Inspector (Retd.),
(Through) the Commissioner of Prohibition & Excise,
A.P., Hyderabad.

The Commissioner of Prohibition & Excise,
A.P., Hyderabad.

Copy to:-

The Deputy Commissioner of Prohibition & Excise, Visakhapatnam.

The District Treasury Officer, Visakhapatnam.

The Director Treasuries & Accounts, A.P., Hyderabad.

The Accountant General, A.P., Hyderabad.

File/SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER